

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TYRONE MARTIN,

Plaintiff

v.

SECRETARY OF CORRECTIONS, *et al.*,

Defendants

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Civil No. 3:16-cv-2060

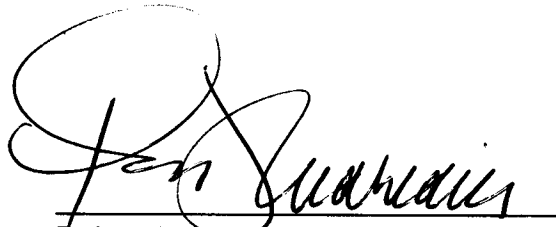
(Judge Mariani)

ORDER

AND NOW, this 5th day of March, 2018, upon consideration of the motion (Doc. 62) to dismiss or, in the alternative, for summary judgment, by the Corrections Defendants, and for the reasons set forth in the Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 62) for summary judgment is **GRANTED** in part and **DENIED** in part, as follows:
 - a. The motion is **DENIED** as to the excessive force claims against Defendants Myers, Dickson, Kanagy, Fazenbaker, Bickel, Barger, and Morrison based on failure to exhaust.
 - b. The motion is **DENIED** as to the failure to intervene claim against Defendant Gaff based on failure to exhaust.
 - c. The motion is **GRANTED** as to the conspiracy claim. Entry of Judgment is deferred pending further Order of Court.
 - d. The motion is **GRANTED** as to the claims against Defendants Secretary of Corrections and Kauffman based on lack of personal involvement. Entry of Judgment is deferred pending further Order of Court.

- e. The motion is **DENIED** as to the claims against Defendant Neumann based on lack of personal involvement.
 - f. The motion is **GRANTED** as to the claims against Defendants Kauffman, Dreibelbis, and Neumann based on their involvement in the grievance procedure. Entry of Judgment is deferred pending further Order of Court.
2. Defendants shall **FILE** an answer or appropriate pretrial motion in accordance with the Federal Rules of Civil Procedure.



Robert D. Mariani
United States District Judge